

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SALVADOR VENEGAS

Plaintiff,

v.

E. MENDOZA, et al.,

Defendants.

No. 1:21-cv-00962-NONE-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 14)

Plaintiff Salvador Venegas is a state inmate proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 30, 2021, the assigned magistrate judge entered findings and recommendations recommending that this case be allowed to proceed on the following claims: Eighth Amendment excessive force against defendants Mendoza, Grimsley, Cornejo, Navarro, Layshot, and Mattingly; First Amendment retaliation against defendants Mendoza, Grimsley, Cornejo, Navarro, and John Doe 1; Fourteenth Amendment procedural due process against John Doe 2; Eighth Amendment deliberate indifference to serious medical needs against defendant Cahapisan; Eighth Amendment conditions of confinement against defendant Muñoz; and First Amendment access to mail against defendants Mendoza, Grimsley, Cornejo, and Navarro. (Doc. No. 14.) The assigned magistrate judge recommended that all other claims and defendants be dismissed. (*Id.*)

Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 3.) No objections have been filed, and the deadline to do so has expired.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the court concludes that the magistrate judge's findings and recommendations are supported by the record and by proper analysis.

Accordingly,

1. The findings and recommendations entered on August 30, 2021 (Doc. No. 14) are adopted in full;
2. This case shall proceed on the following claims: Eighth Amendment excessive force against defendants Mendoza, Grimsley, Cornejo, Navarro, Layshot, and Mattingly; First Amendment retaliation against defendants Mendoza, Grimsley, Cornejo, Navarro, and John Doe 1; Fourteenth Amendment procedural due process against defendant John Doe 2; Eighth Amendment deliberate indifference to serious medical needs against defendant Cahapisan; Eighth Amendment conditions of confinement against defendant Muñoz; and First Amendment access to mail against defendants Mendoza, Grimsley, Cornejo, and Navarro;
3. All other claims and defendants are dismissed; and
4. The Clerk of Court is directed to add Grimsley, John Doe 1, and John Doe 2 as defendants and to terminate Lieutenant Thomas, Preciado, Warden Shirley, Lieutenant Bracken, Lieutenant Brewster, the California Department of Corrections and Rehabilitation, and Grimsky as defendants on the docket.

IT IS SO ORDERED.

Dated: October 5, 2021


UNITED STATES DISTRICT JUDGE